Immunocept, LLC, et al v. Fulbright & Jaworski Doc. 92

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
MAR 23 2006
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ________
DEPUTY CLERK

IMMUNOCEPT, LLC, PATRICE ANNE LEE, AND JAMES REESE MATSON §
§
§
Plaintiffs, §
§
v. § CAUSE NO. A050A334 SS
§
FULBRIGHT & JAWORSKI, LLP, §
§
Defendant. §

UNOPPOSED MOTION TO FILE UNDER SEAL DEFENDANT FULBRIGHT & JAWORSKI, LLP'S REPLY OF ITS MOTON FOR SUMMARY JUDGMENT

COMES NOW, Fulbright & Jaworski, LLP ("Fulbright"), and files this Unopposed Motion to File Under Seal its Reply in Support of its Motion for Summary Judgment, and in support thereof, would respectfully show the Court as follows:

On this date Fulbright is filing its Reply in Support of its Motion for Summary Judgment ("Reply"). The Reply is being filed with the Court under seal pursuant to the Protective Order entered by this Court on October 24, 2005, which requires the parties to file under seal documents produced in discovery and designated by the Producing Party as "Confidential." *See* Agreed Protective Order ¶ 7.

Certain of the documents and deposition excerpts included in the Appendix to the Reply have been designated as "Confidential" either by the Plaintiffs, Plaintiffs' experts, or by third-party Johnson & Johnson. Similarly, the Reply includes references to and quotations from material designated as "Confidential."

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None of the materials at issue were marked "Confidential" by Fulbright, but Fulbright is filing under seal to comply with its obligations under the Agreed Protective Order. Fulbright expresses no opinion as to whether the materials labeled as "Confidential" are entitled to such protection.

In view of the foregoing, Fulbright requests that the Court order that its Reply in Support of its Motion for Summary Judgment be filed under seal.

Respectfully submitted,

By: Connie H. Pfeiffer

David J. Beck
Texas Bar No. 00000070
Jeff Golub
Texas Bar No. 00793823
Geoff A. Gannaway
Texas Bar No. 24036617
Connie H. Pfeiffer
Texas Bar. No. 24046627
1221 McKinney St., Suite 4500
Houston, Texas 77010-2010
Telephone: (713) 951-3700
Facsimile: (713) 951-3720

ATTORNEYS FOR DEFENDANT FULBRIGHT & JAWORSKI, LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served as shown below on counsel of record on March 22, 2006.

Via Certified Mail, Return-Receipt Certified
Michael P. Lynn, P.C.
Jeffrey M. Tillotson, P.C.
John D. Volney
Jeremy Fielding
Lynn Tillotson & Pinker, LLP
750 N. St. Paul St., Suite 1400
Dallas, Texas 75201

Connie Pfeiffer

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that he has in good faith conferred with the Plaintiffs in an effort to resolve this dispute without court action. Plaintiffs' counsel Jeremy Fielding has indicated that he is not opposed to this Motion.

Connie Pfeiffer

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